



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1418
Alexandria, Virginia 22303-1418
WWW.USPTO.GOV

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10 049,717	03 18 2002	Conny Svahn	66302-031-7	9716

7890 05 13 2003

Dykema Gossett
Suite 300 West
1300 I Street NW
Washington, DC 20005-3306

EXAMINER

LIN, KUANG Y

ART UNIT	PAPER NUMBER
----------	--------------

1725

DATE MAILED 05 13 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,717

Applicant(s)

SVAHN ET AL

Examiner

Kuang Y Lin

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-6,8-12 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-6,8-12 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Art Unit: 1725

1. The specification is objected to in that in page 4, line 22, it recites "claim 13" which had been canceled. Correction is required.
2. Claims 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims direct to "a yoke". However, they define the yoke in term of casting device which is extraneous to the yoke. Also, it is not clear whether the yoke as claimed includes cores. If the claimed yoke does not include cores, then the yoke is defined in term of cores which are extraneous to the yoke. Further, in claims 23 and 24, respectively, it is not clear what structure is claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 1725

5. Claims 21-25 insofar as definite 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 9-57,401.

The Japanese reference substantially shows the invention as claimed except that it does not show to form poles element (6a, 6b, which is considered as an integral part of a partial yoke and core) as a structure formed of a partial yoke and core, and that it does not show to provide pivotal portions for moving the yoke out of way for mold maintenance. However, the mere fact that a given structure is integral does not preclude its consisting of various elements, *Nerwin v. Erlichman*, 168 USPQ 177, 179. With respect to the claimed feature of providing pivotal portions for the yoke, since the inventive concept of JP reference is to shorten the time for maintenance, it would have been obvious to provide JP '401 with any mounting structure which will expedite the mounting and dismounting of Japanese EM means.

6. Claims 2, 4-6, 8-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 9-57,401 and JP 63-203,256.

JP '401 substantially shows the invention as claimed except that the S and N poles are arranged along the casting direction. JP 63-203,256 substantially shows the invention as claimed except that the coil is wound on the cores and that the yoke is not separable from the cores. Since both arrangement of JP '401 and '256 shows to brake the molten metal flow, to orient the S and N poles of JP '401 transverse to the casting direction as shown in JP '256 is deemed to be nothing more than an obvious matter of design choice. It would also have been

Art Unit: 1725

obvious to wind the coils JP '256 around the central portion, instead of around the cores portion, of the yoke and make the central portions detachable from the core portion to facilitate the maintenance work in view of JP '401. With respect to the claimed feature of making the partial portion of yoke and the core separable, the mere fact that a given structure is integral does not preclude its consisting of various elements, *Nerwin v. Erlichman*, 168 USPQ 177, 179.

7. Applicant's arguments filed May 5, 2003 have been fully considered but they are not persuasive.

a. Applicants argued that the braking mechanism of JP 9-57,401 can not be adjusted for different casting mold width. However, it is noted that JP 63-203,256 shows another embodiment by orienting the braking means in the horizontal direction. Thus, as the braking means of JP '401 oriented into horizontal direction for braking the flow in that direction as taught by JP 63-203,256, it can be adjusted for different casting mold width.

b. Further, since JP '401 teaches to locate the coil in the central portion of the yoke such that to shorten the time for changing the coil, it would also have been obvious to wind the coils of JP '256 (or that of applicants' admitted prior as set forth in figure 1 of drawing) around the central portion, instead of around the cores portion, of the yoke and make the central portions detachable from the core portion to facilitate the maintenance work in view of JP '401.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1725

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 703-308-2322. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X Dunn can be reached on 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

May 9, 2003

[Handwritten signature]
KUANG Y. LIN
EXAMINER
GROUP 320
1725